

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID HESS,

No. C-12-3041 EMC

Plaintiff,

v.

**ORDER RE SECOND AMENDED
COMPLAINT AND BRIEFING
SCHEDULE FOR MOTIONS TO
DISMISS**JOHN G. STUMPF, *et al.*,

Defendants.

Pending in this case are three motions to dismiss filed by the various Defendants (Docket Nos. 30, 32, 35). All three are set for hearing on November 15, 2012. Plaintiff's responses to these motions were due on October 11, 12, and 16, 2012. He has filed no response to any of the motions.


He has, however, filed what he designates his second amended complaint (Docket No. 47). While a plaintiff may amend his complaint once without seeking leave of the court under certain circumstances, he may not file a second amended complaint without first obtaining the consent of the opposing party or seeking leave of the court to amend. Fed. R. Civ. P. 15(a). It does not appear that Defendants gave their consent here, and Plaintiff has not sought leave to file his amended complaint. Accordingly, this Court disregards the purported second amended complaint.

As Plaintiff is pro se and may have been unaware of this rule, this Court will grant him additional time to respond to the pending motions to dismiss. Plaintiff may file any response to the motions to dismiss by November 2, 2012. Defendants may then file any reply by November 8, 2012. The motions will remain on the November 15, 2012 calendar.

1 For Plaintiff's benefit, the Court directs his attention to the Handbook for Pro Se Litigants,
2 which is available along with further information for the parties on the Court's website located at
3 <http://cand.uscourts.gov/proselitigants>. Mr. Harms may also contact the Legal Help Center, 450
4 Golden Gate Avenue, 15th Floor, Room 2796, Telephone No. (415) 782-9000 extension 8657, for
5 free legal advice regarding his claims.

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7 IT IS SO ORDERED.

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9 Dated: October 30, 2012

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12 EDWARD M. CHEN
13 United States District Judge
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